

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

JOSE INEZ GARCIA-ZARATE,

Defendant.

Case No. [17-cr-00609-VC-1](#)

**ORDER RE COMPETENCY STATUS
OF DEFENDANT**

This order summarizes the status of efforts to ensure that the defendant is competent to stand trial or enter a change of plea.

Previously, the Court found that the defendant was not mentally competent to stand trial or enter a change of plea, and ordered him committed to the custody of the Bureau of Prisons for treatment. Ultimately, B.O.P. certified that the defendant, having received proper medication and treatment for his psychiatric condition, was restored to competency. However, when the Court attempted to re-arraign the defendant after his return, he made various statements that raised questions about whether he lost competency at some point during or after his transfer from B.O.P. custody to the Santa Rita Jail. The Court thus appointed Dr. Paul Elizondo—who had previously evaluated the defendant—to conduct another evaluation.

Since that time, the Court learned that the defendant was not receiving his medication at the Santa Rita Jail. He may also have not been receiving medication while in transit. Dr. Elizondo has assessed the defendant and confirmed that the defendant is no longer competent. Dr. Elizondo estimates that proper treatment could restore the defendant to competency within 2-3 months. Rather than holding a full-blown competency hearing, which would likely result in

another order committing the defendant to B.O.P. custody for competency to be restored, the Court requested that the U.S. Marshal seek to transfer the defendant to a local facility that is more likely to ensure that the defendant receives his medication. In response, the Marshal has transferred the defendant to the Marin County Jail. The Marshal has confirmed that the defendant is receiving his medication there, and has assured the Court that his office will contact the jail once a week to make sure that the defendant continues to receive his medication.

A Zoom status conference is scheduled for February 15, 2022 at 10:00 a.m. to discuss next steps. If defense counsel or the government objects to any aspect of the process described in this order, they may file their objections in writing and request an earlier status conference to discuss the objection.

IT IS SO ORDERED.

Dated: December 10, 2021

A handwritten signature in black ink, appearing to read 'Vince Chhabria', is written over a horizontal line.

VINCE CHHABRIA
United States District Judge